

REMARKS

In the above-referenced Restriction Requirement, the Examiner divided the claims into the following groups:

claims 1-43, 46-60 and 62-71, drawn to a method for assisting a user in online purchasing; and

claims 44-45, 61, 72-74, drawn to a client system for ordering multiple items.

In particular, the Examiner noted that the claims in Groups I and II are related as process and apparatus for its practice.

In response, Applicant provisionally elects the claims 1-43, 46-60 and 62-71 of Group I with traverse, based on Applicant's belief that the restriction is improper.

In particular, with respect to independent claim 45 in Group II, MPEP § 806.05(e) states that if "the apparatus claims includes a claim to 'means' for practicing the process, the claim is a linking claim and must be examined with the elected invention." Since claim 45 recites "means for displaying . . ." and "means for . . . sending . . .", at least claim 45 must be examined with the claims of Group I. ✓

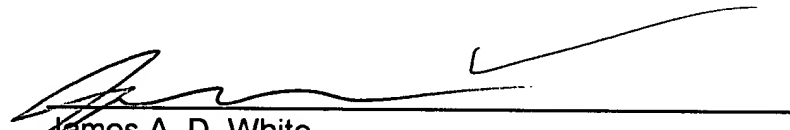
More generally, the Examiner has asserted that the restriction is proper because "the apparatus as claimed can be used to practice another and materially different process" because "a networking computer is capable of performing many different processes . . . such as email communications". While it is true that computer systems generally can perform various functions, the computing systems *as claimed* are recited to be "for ordering multiple items defined by a user as a group" (claims 44 and 45) and "for processing an order for a group of multiple items defined by a user" (claim 61), and each include multiple components configured to perform recited operations in support of that functionality. As such, the computing systems *as claimed* are not performing email communications or other unrelated processes, and the MPEP states explicitly that restriction is proper only if "the apparatus *as claimed* can be used to practice another and materially different process". (MPEP § 806.05(e), page 800-44, emphasis in original.) Similarly, while computer-readable mediums generally can store a variety of types of information, the computer-readable medium of claims 72-74 *as claimed*

contain "a data structure for use in ordering multiple items defined by a user as a group".

Since MPEP § 803 states that "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits", and the computing systems *as claimed* are not performing email communications or other unrelated processes, the restriction is improper.

No fees are believed due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665. If the Examiner believes that a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-6380.

Respectfully submitted,
Perkins Coie LLP


James A. D. White
Registration No. 43,985

JDW:jc

Enclosures:
Postcard

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000

RECEIVED
OCT 28 2003
GROUP 3600